

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-0316

HELEN M. LOOSE,

Defendant.

ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

The United States, joined by the defendant, Helen M. Loose, has requested that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7) in the interest of justice. The Government notes in its motion that the trial date was originally scheduled for April 10, 2010. While that date was outside the 70 days permitted under the Speedy Trial Act, it was set in reliance upon this district's practice of setting cases 90 days from the latter of the initial appearance or date of indictment in order to allow the defendant time for preparation of consideration of motion practice. This past week, the United States Supreme Court decided *Bloate v. United States*, 2010 U.S. Lexis 2205 (2010), in which it held that time granted to prepare pretrial motions would not automatically be excluded under the Speedy Trial Act. Instead, the court must make a specific finding that the exclusion of time meets the standards set forth in 18 U.S.C. § 3161(h)(7). Based upon the motion of the Government, joined in by the defense, I make that finding in this case.

The Government notes that the discovery material in this case is extensive and involves complex questions of restitution. In addition, the defendant has been placed in an inpatient alcohol

and drug treatment facility in Milwaukee. In order to insure a fair trial and to ensure that the defendant will receive the benefits of the treatment to which she is undergoing, both parties request that the matter be set for a final pretrial during the week of April 19, 2010 with a trial date approximately 10 days to 2 weeks thereafter.

I am satisfied that the request of the parties is reasonable and, wholly aside from the specific difficulties involved in this case, the fact that the trial was originally set outside of the Speedy Trial Act pursuant to established practices in this district, an adjournment is appropriate. I therefore conclude that the need to schedule the matter outside of the 70 day period is necessary in the interest of justice which under the specific facts of this case outweigh the interests of both the public and the defendant in an earlier trial date. Accordingly, the motion is granted and the clerk is directed to schedule this matter for a final pre-trial during the week of April 19, 2010 with a trial date within two weeks thereafter.

Dated this 15th day of March, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge